

**EMERYVILLE PLANNING COMMISSION
ACTION RECAP
March 23, 2017**

I. CONVENE AND ROLL CALL

The meeting was called to order at 6:30 p.m. by Chair Steven Keller. Commissioners present: Linda Barrera, Gail Donaldson, Sam Kang, Christine Scott Thomson, Lawrence Cardoza, and Steven Keller. Commissioner Philip Banta had an excused absence.

II. SWEARING IN OF NEW COMMISSIONER

City Clerk, Sheri Hartz, administered the Oath of Office to the new Planning Commissioner, Christine Scott Thomson.

III. PUBLIC COMMENT – NONE

IV. ACTION RECAP – February 23, 2017

Because Commissioners Barrera, Kang, and Thompson were not present at the February 23, 2017 meeting and would therefore need to abstain, there was not a quorum present for approval of the Action Recap. Therefore, approval of the Action Recap was continued to the April 27, 2017 Planning Commission Meeting.

V. DIRECTOR'S REPORT

Director Bryant reported on recent actions of the City Council. He also noted that the joint meeting with the City Council to consider ways that the City can assist small businesses has been confirmed for Tuesday, May 16 from 1 to 3 pm, with details to follow.

VI. DISCLOSURE OF CONFLICTS OF INTEREST AND EX PARTE COMMUNICATIONS - NONE

VII. PUBLIC HEARINGS

- A. 6701 Shellmound Residential Project (“Nady Site”) Extension Request (UPDR14-003)** – Consideration of a request for a two-year extension of a Conditional Use Permit and Design Review for a 186-unit residential development on a 2.27 acre site located at 6701 Shellmound Street that was approved by the Planning Commission on March 24, 2016. The project includes a Tree Removal Permit for removal of two street trees. CEQA Status: Environmental Impact Report certified by Planning Commission on March 24, 2016. General Plan Land Use Classification: Mixed Use with Residential; Zoning District: Mixed Use with Residential (MUR). (Applicant: Anton Development Company LLC)(Owner: Nady Trust U/D/T)(APN:49-1490-2)

This item was continued to a future meeting. Director Bryant reported that Anton has cancelled its purchase agreement with John Nady, the property owner. Mr. Nady anticipates having another developer and has requested that this extension request be continued to the April 27, 2017 Planning Commission meeting.

- B. Cellular Facility on Existing Streetlight Pole (UPDR16-009)** – Consideration of a **Conditional** Use Permit and Design Review application to install a new wireless telecommunication facility on an existing City streetlight pole in the Powell Street public right-of-way near the intersection of Christie Avenue, adjacent to 5795 Christie Avenue. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15303(d), which applies to construction and extension of utilities, and the “general rule” at Section 15061(b)(3) because it can be seen with certainty that there

is no possibility that the proposal may have a significant effect on the environment. General Plan Land Use Classification: Mixed Use with Residential, Regional Retail Overlay, and Major Transit Hub Overlay; Zoning District: Mixed Use with Residential (MUR), Regional Retail Overlay (RR), Pedestrian Priority Zone Overlay (PP), and Transit Hub Overlay (TH) (Applicant: Mobilitie, LLC) (Owner: City of Emeryville) (Adjacent to APN 49-1515-7-7)

This item was continued to a future meeting.

- C. PG&E Tree Removal (TREE16-001)** – Consideration of a Tree Removal Permit to remove nine street trees in the public right-of-way that are adjacent to natural gas transmission lines at various locations in the City. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15304(b), which applies to changes in landscaping, and the “general rule” at Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposal may have a significant effect on the environment. General Plan Land Use Classification: Various; Zoning District: Various (Applicant: PG&E) (Owner: City of Emeryville) (APNs: adjacent to 49-1041-49; 49-1041-71-2; 49-1319-2-2; 49-1489-14; 49-1492-13; 49-1544-1-1; and 49-1544-2)

Miroo Desai, Senior Planner, presented the staff report and answered Commissioner’s questions.

Tom Guarino, PG&E Public Affairs Manager for the East Bay, and Marvin Nushwat, PG&E Project Manager, addressed the Commission and responded to questions.

The public hearing was opened; there was no one who wished to speak; the public hearing was closed.

The Commission deliberated and agreed on an additional condition of approval to read as follows: “For the removal of tree B3 at Powell and Peladeau, PG&E shall work with the Public Works Director to provide a means of screening the emergency generators to the south of the EmeryStation No.1 building that are now screened by the tree.” A motion was made to approve the application with this additional condition.

Moved: Barrera

Seconded: Cardoza

Vote: **Ayes:** Barrera, Donaldson, Kang, Thomson, Cardoza, and Keller

- D. Public Market Directional Sign Program (SIGN16-028)** – Consideration of a Major Sign Permit for directional signage throughout the Public Market site, specifically along Shellmound Street and 63rd Street. CEQA Status: This project is exempt from environmental review under State CEQA Guidelines Section 15311(a) which applies to placement of on-premises signs; and the “general rule” at Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposal may have a significant effect on the environment. General Plan Land Use Classification: Mixed Use with Residential, Park/Open Space, and Major Transit Hub; Zoning District: Planned Unit Development (PUD-2) (Applicant/Owner: AG-CCRP Public Market L.P.) (APNs:49-1556-1; -2; and -3)

This item was continued to a future meeting.

- E. Accessory Dwelling Units Ordinance (ORD16-004)** - Consideration of amendments to Article 14 of Chapter 5 of the Planning Regulations at Title 9 of the Emeryville Municipal Code to make state-mandated changes related to Accessory Dwelling Units, formerly known as Secondary Residential Units. CEQA Status: The proposed amendment is

exempt from the requirements of the California Environmental Quality Act (CEQA) under the “general rule” at Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the ordinance may have a significant effect on the environment.

Diana Keena, Associate Planner, presented and answered Commissioner’s questions.

The public hearing was opened; there was no one wishing to speak; the public hearing was closed.

A motion was made to recommend City Council adoption of the proposed ordinance.

Moved: Donaldson
Seconded: Cardoza
Vote: **Ayes:** Barrera, Donaldson, Kang, Thomson, Cardoza, and Keller

There was a break from 7.32 p.m. to 7.37 p.m.

- F. Pedestrian and Bicycle Plan Addendum (STUDY17-001)** - Consideration of a resolution reaffirming the 2012 Pedestrian and Bicycle Plan and approving a Focused Update Addendum on Implementation Status. This five-year implementation update and plan reaffirmation is required for projects in the plan to be eligible for state funding. CEQA Status: The Pedestrian and Bicycle Plan was covered by the Environmental Impact Report for the General Plan that was certified by the City Council by Resolution No. 09-207 on October 13, 2009. The proposed amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) under the “general rule” at Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the addendum may have a significant effect on the environment.

Diana Keena, Associate Planner, presented and answered Commissioner’s questions.

The public hearing was opened; there was no one wishing to speak; the public hearing was closed.

A motion was made to recommend City Council reaffirmation of the Pedestrian and Bicycle Plan and adoption of the Addendum.

Moved: Cardoza
Seconded: Kang
Vote: **Ayes:** Barrera, Donaldson, Kang, Thomson, Cardoza, and Keller

- G. Development Impact Fee Amendment (ORD17-001)** – Consideration of an amendment to Section 9-5.1907(b) of Article 19 of Chapter 5 of the Planning Regulations at Title 9 of the Emeryville Municipal Code to specify that development impact fees applicable to former uses shall be subtracted from fees for new uses, whether or not they were actually paid. CEQA Status: The proposed amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) under the “general rule” at Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the addendum may have a significant effect on the environment.

Director Charles Bryant presented and answered the Commissioner’s questions.

The public hearing was opened; there was no one wishing to speak; the public hearing was closed.

A motion was made to recommend City Council adoption of the proposed ordinance. Commissioner Kang explained that he would abstain because he was concerned about the fiscal impact.

Moved: Cardoza
Seconded: Keller
Vote: **Ayes:** Barrera, Donaldson, Thomson, Cardoza, and Keller
Abstained: Kang

VIII. COMMISSIONERS COMMENTS

Concern was expressed regarding the poor condition of the Nady site and a request was made that the owner clean up the property and adjacent Caltrans right-of-way prior to the Commission considering the extension request for the project.

A request was made that, when the City involves UC Berkeley on the site improvements at Powell Street and Christie Avenue, they involve the stakeholder residents and businesses.

IX. ADJOURNMENT – The meeting was adjourned at 8:11 p.m.

THE NEXT SCHEDULED MEETING WILL BE HELD ON THURSDAY, APRIL 27, 2017 AT 6:30 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, 1333 PARK AVENUE, EMERYVILLE, CA 94608